

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Morishita et al.

**Application No.** 09/869,475

**Filed:** October 10, 2001

**Confirmation No.** 4309

**For:** GENE THERAPY FOR DIABETIC  
ISCHEMIC DISEASE

**Examiner:** Quang Nguyen, Ph.D.

**Art Unit:** 1633

**Attorney Reference No.** 6235-59221-01

**FILED VIA EFS  
ON DECEMBER 6, 2007**

SUBMITTED VIA ELECTRONIC FILING SYSTEM  
COMMISSIONER FOR PATENTS

**NOTICE OF APPEAL FROM THE EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of Examiner Quang Nguyen, Ph.D. mailed June 6, 2007, finally rejecting claims 9, 11, 12, 14, 48 and 51.

The fee \$510.00 per 37 C.F.R. § 1.41.20(b)(1) for filing this Notice of Appeal is being paid concurrently herewith via EFS.

Please consider this a petition for a three-month of extension of time for filing this Notice of Appeal. The extension fee of \$1,050.00 is being paid concurrently herewith via EFS.

The fees referenced above are being paid via EFS. Please charge any additional fees that may be required in connection with filing this Notice of Appeal and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550.

Respectfully submitted,

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